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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,830	11/29/2001	Kunihiko Hagiwara	1614.1203	9723

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,830

Applicant(s)

HAGIWARA ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

“Information Processing Apparatus and Method of Switching Operations Thereof” is descriptive of an excessively broad area of technology, that being switchable information processors. A more descriptive title might make mention of the two-path routing, between direct and processor-based pathways, that the information follows.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, 10 – 15, 17 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott et al. (“Elliott”; US #6,442,328 B1).

As per independent claim 1’s “information processing apparatus” involving “first” and “second processing part” components that drive an “output part selectively outputting one of the first and second signals”, Elliott’s arrangement for a DIGITAL VIDEO RECORDER that operates in conjunction with a SET-TOP BOX teaches each and every feature claimed.

With particular reference to Elliott’s fig 2, the “tuner” reads upon video tuner 112, the “first processing part performing a desired processing on the first signal supplied from said tuner” upon the unit 200, in which recorder interface 210 and video data

stream manager 230 handle the real-time video signal from tuner 112, and the "second processing part converting the signal supplied from said tuner into a second signal of the given format" reads directly upon the function of conditional access module 114, which feeds mux 150. Note that mux 150 in Elliott then anticipates the claimed "output part selectively outputting one of the first and second signals". Since unit 200, the recorder of Elliott, operates on separate timing for playback from the module 114, "the first and second processing parts are startable independently of each other".

Elliott further anticipates claim 2's "first processing part" details as follows: "an operation unit" is found in the video data stream manager 230, the "storage part" is paralleled in the rotating storage drive, the "bus for exchanging data between at least said operation part and said storage part" in the video stream connections 222, 223, and the "bridge circuit converting the signal supplied from said tuner into data exchangeable between said operation part and said storage part" in the recorder interface 210. In delivering recorded playback, the recorder interface 210 then operates as "a signal output part converting data on said bus into the first signal of the given format".

As per claim 3's "converter circuit" in the "second processing part", for "converting the signal supplied from said tuner into the second signal of the given format", please note that such conversion to the input of the mux 150 is achieved by the conditional access module 114 of Elliott.

Claim 10's "first processing part" that "comprises a central processing unit" is anticipated by Elliott's video data stream manager 230 (see also claim 17), the "hard

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disk drive" (claims 11, 18) by the rotating storage drive, and the "signal read out from the hard disk drive" (claim 12) by the second video stream on bus 223.

As in claim 13's "signal supplied from said tuner", the output of Elliott's video tuner 112 is clearly "a video signal". Also please note that this is "a television tuner" that works with broadcast signal 102 (claims 14, 20), to drive a "monitor part" in the form of display device 300.

Independent claim 15 is similar in many respects to claim 1, and rejection is based upon a similar line of reasoning. The "first" and "second operation" are taught in the two paths of Elliott, in which the conditional access module 114 has an option of "converting a signal of the received broadcast directly into a signal of a given format".

As per claim 19, it has been noted that Elliott's rotating storage drive is accessed in the style of the claimed "hard disk unit", and via the recorder interface, it is supplied in parallel with the video tuner signal to mux 150, to be "selectively output".

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4 – 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Townsend et al. ("Townsend"; US #6,501,514 B1).

Elliott is centered principally on the circuitry relating to an optional connection to a DIGITAL VIDEO RECORDER, and thus does not **explicitly** teach "a remote control part operating said tuner" (claim 4). However, such a feature is at least seen in Townsend's RECEIVERS FOR TELEVISION SIGNALS. The rem 28 of figs 2, 3 and 5 is described at col 6, lines 22 – 25.

It would therefore have been obvious to a person having ordinary skill in the art at the time of applicant's invention to operate a RECORDER/tuner arrangement such as Elliott's with a "remote control" such as Townsend, the motivation being the ability demonstrated by Townsend of enabling more active user control of the selection of desired programmes.

As per claim 5's "wireless communication", please note Townsend's indication of radiative transmission to rec 29, as in the "infrared communication" (claim 6) that was known in the art.

Applicant discloses "Bluetooth" (claim 7) as being a well-established "standard" at the time of applicant's invention. Thus, it would have been further obvious to the person having ordinary skill in the art, this person being equipped with an understanding of the interactive control of a wireless nature provided by such a mode, to use

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"Bluetooth" in place of the rem 28 seen in Townsend, the motivation being to extend the options available to a wireless control user.

The "changeover circuit" for "switching the signal supplied from said tuner and a signal supplied from an external apparatus" (claim 9), while not **explicitly** seen in Elliott's simpler input via tuner 112, is contemplated by Townsend, where selection can be from tuner 12 or high speed data 30 (fig 2).

7. Claims 8, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Choi ("Choi"; US #2002/0047925 A1).

As per the "operation part" and "supply switching circuit" of these claims, that alternatively supplies "drive power to the first and second processing parts" or just the "second processing part", Elliott does not contain **explicit** teachings to this effect, for the two branches of circuitry that feed mux 150. However, Choi discloses just such an arrangement for a COMPUTER SYSTEM AND METHOD FOR STORING TV SIGNALS THEREIN. Specifically, a normal mode and a power saving mode may be switched therebetween (Abstract), where it does not supply the power to the central processing unit under the power saving mode. Only when [t]he computer is used to initiate the reserve-recording of a television program is it supplied power.

Thus, it would finally have been obvious to the person having ordinary skill in the art at the time of applicant's invention to regulate the power supplied to the two parts of Elliott's recorder/broadcast switching system so as to power down the recording section as per Choi, the motivation being the judicious saving of electrical power when the Elliott unit 200 is not needed, during direct broadcast reception.

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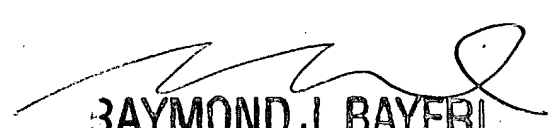
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining US Patent documents made of record (see attached form PTO-892) relate to the selective provision of video signals, in the presence of computing devices.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

3 August 2004